

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

Joseph M. Still Burn Centers, Inc.,)	Case: 8:06-1856-HMH
)	
Plaintiff,)	
)	
v.)	ORDER OF DISMISSAL
)	WITH PREJUDICE
Abbeville County Memorial Hospital)	
Group Medical Plan,)	
)	
Defendant.)	

THIS MATTER COMES BEFORE THE COURT based upon representation by Plaintiff's attorney that the matter *sub judice* has been rendered moot. In the matter *sub judice*, Plaintiff filed its complaint on June 21, 2006. Plaintiff's counsel advised the court that the case has been served, but Defendant has not filed an answer yet. In the matter *sub judice*, Plaintiff pled entitlement to declaratory relief pursuant to E.R.I.S.A. 29 U.S.C.S. § 1132(a)(1)(B). Plaintiff's counsel has advised the court that the Defendant has approved and is paying Plaintiff's claim, thereby, rendering the matter *sub judice* moot.

Plaintiff has advised the court that there is no justiciable controversy, at this juncture, for the Plaintiff to pursue with this court. Therefore, for good cause shown, the court hereby dismisses the matter *sub judice* pursuant to Fed.R.Civ.P. 41 as being moot and without prejudice.

NOW, THEREFORE, it is ORDERED, ADJUDGED AND DECREED that the matter *sub judice* shall be dismissed pursuant to Fed.R.Civ.P. 41 as moot and without prejudice should additional issues arise at a later date which create a justiciable controversy.

AND, IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

August 25, 2006

I SO MOVE:

s/ Robert E. Hoskins
Robert E. Hoskins, Esq.
Foster Law Firm, L.L.P.
Attorneys for Plaintiff